

REMARKS

Amendments

Claims 1-31 were pending. Claims 1-2 are canceled. Claims 4-6, 11-15, 17, 18, 21, 22, and 24 are currently amended. Claims 26-28 are withdrawn-currently amended. Claims 29 and 30 are withdrawn.

Claims 4-6, 12-15, 17, 21, and 26-28 are amended to delete dependencies from canceled claims. Claims 11, 13, 14, 18, 22, and 24 are amended to correct typographical errors. Claims 29, 30 are withdrawn as they do not read on the group elected. After entry of this amendment, Claims 3-25 and 31 are pending. These amendments add no new matter to the application. Applicants respectfully request that the amendments be entered and considered for full examination on the merits. Applicants hereby reserve the right to file a continuation/divisional application to the canceled subject matter.

Restriction Requirement

The Examiner has required restriction between the following groups:

Group I. Claims 1, 4-16, 19-25 and 31, drawn to a composition and kit comprising a (a) non-reactive biocompatible substance, (b) a rheological modifier, and (c) a biocompatible liquid as set forth in independent claim 1, classified in class 424, subclass 1.11+.

Group II. Claims 2, 6-18, 21-25 and 31, drawn to a composition and kit comprising (a) a non-reactive biocompatible substance, (b) a rheological modifier, and (c) a contrast agent as set forth in independent claim 2, classified in class 424, subclass 9.3.

Group III. Claims 3-25 and 31, drawn to a composition and kit comprising (a) a non-reactive biocompatible substance, (b) a rheological modifier, (c) a biocompatible liquid, and (d) a contrast agent as set forth in independent claim 3, classified in class 424, subclass 9.3+.

Group IV. Claims 1 and 26, drawn to a method of site specific delivery of a composition of the composition of Group 1, classified in class 424, subclass 9.1.

Group V. Claims 1 and 26, drawn to a method of site specific delivery of a composition of the composition of Group II, classified in class 424, subclass 9.1.

Group VI. Claims 1 and 26, drawn to a method of site specific delivery of a composition of the composition of Group III, classified in class 424, subclass 9.1.

Group VII. Claims 1 and 27, drawn to a method of embolizing a vascular site using the composition of Group I, classified in class 424, subclass 9.1.

Group VIII. Claims 2 and 27, drawn to a method of embolizing a vascular site using the composition of Group II classified in class 424, subclass 9.1.

Group IX. Claims 3 and 27, drawn to a method of embolizing a vascular site using the composition of Group III, classified in class 424, subclass 9.1.

Group X. Claims 1, 28 and 29, drawn to a method of bulking tissue via a delivery device using the composition of Group I, classified in class 424, subclass 9.1.

Group XI. Claims 2, 28 and 29, drawn to a method of bulking tissue via a delivery device using the composition of Group II, classified in class 424, subclass 9.1.

Group XII. Claims 3, 28 and 29, drawn to a method of bulking tissue via a delivery device using the composition of Group III, classified in class 424, subclass 9.1.

Group XIII. Claims 1, 21, 24, and 30, drawn to a method of delivery of a composition comprising a medicament and the composition of Group I, classified in class 424, subclass 9.1.

Group XIV. Claims 1, 21, 24, and 30, drawn to a method of delivery of a composition comprising a medicament and the composition of Group II, classified in class 424, subclass 9.1.

Group XV. Claims 1, 21, 24, and 30, drawn to a method of delivery of a composition comprising a medicament and the composition of Group III, classified in class 424, subclass 9.1.

Applicants hereby elect, with traverse, Group III, Claims 3-25 and 31, for examination.

Election of Species Requirement

The Office Action states that Claims 1-31 are generic to a plurality of disclosed patentably distinct species and requires Applicants to elect a single disclosed species under the provisions of 35 U.S.C. §121. The Office Action further requires that, in the event a Group was elected, Applicants are to elect a species of a specific non-reactive biocompatible substance, a specific rheological modifier, a specific contrast agent, a specific biocompatible liquid, a specific delivery device, a thickening agent, a plasticizer, a radioactive agent, a surfactant, a specific

medicament, bulking tissue delivery site, and biocompatible solvent appropriate for the elected group.

In view of the above, Applicants elect, with traverse, the species shown in Table 1:

Table 1.

Species	Election	Claims that read on the Election
non-reactive biocompatible substance	ethylene-vinyl alcohol copolymer	3, 6, 7, 10, 11, and 31
rheological modifier	fumed silica	3, 12, 13, and 31
biocompatible liquid	dimethyl sulfoxide	3, 4, 19, and 31
contrast agent	tantalum	3, 15, 16, and 31
delivery device	catheter	31
thickening agent	poly(methyl methacrylate)	21
plasticizer	citrate esters	21
radioactive agent	¹²⁵ iodine	21, 22, and 23
surfactant	non-ionic, e.g. Tween 20	21
medicament	thrombotic agent	24 and 25

As shown in Table 1 above, Claims 3, 4, 6, 7, 10-13, 15, 16, 19, 21-25, and 31 are believed to read on the elections made.

Applicants traverse the restriction and submit that search and examination of the entire application would not be a serious burden. MPEP § 803.

Applicants hereby request early examination on the merits.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. As one month extension of time is needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of extension fees to Deposit Account No. 50-0872.

Respectfully submitted,

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